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FILED

DISTRICT COURT OF GUAM

AUG 15 2006

MARY L.M. MORAN
CLERK OF COURT

4 *Attorneys for Defendants*

Marwan Shipping & Trading

5 *and Five Seas Shipping Co., LLC*

6
7 UNITED STATES DISTRICT COURT

8 FOR THE DISTRICT OF GUAM

9
10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 MARWAN SHIPPING & TRADING, FIVE
SEAS SHIPPING CO., LLC and S.J.

14 GARGRAVE SYNDICATE 2724,

in personam,

15 Defendants.

CIVIL CASE NO. 06-00011

DECLARATION OF
LAWRENCE J. TEKER

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18 LAWRENCE J. TEKER, ESQ. hereby declares as follows:

19 1. I am the local counsel of record for Defendant FIVE SEAS SHIPPING CO.,
20 LLC, and on behalf of Joseph C. Misenti, Jr., Esq. of Seattle Washington, I filed a notice of
21 appearance representing said Defendant in this Court on June 30, 2006.

22 2. On July 7, 2006, this Court signed an Order granting Joseph C. Misenti's *Pro*
23 *Hac Vice* application to practice law in this Court.

ORIGINAL

1 3. On July 12, 2006, Joseph Misenti and Lawrence J. Teker filed an Entry of
2 Appearance on behalf of Marwan.

3 4. Shortly thereafter, David P. Ledger, Esq. and Joseph Misenti had an exchange
4 of emails in which Mr. Ledger advised Mr. Misenti that he would probably be filing a Motion to
5 Intervene in the case on behalf of Inchcape.

6 5. At that time, the only Defendants in this case were Marwan, Five Seas and
7 S.J. Gargrave. But on July 12, 2006, S.J. Gargrave then filed an Answer, Counterclaim and Cross-
8 claim against Five Seas and Marwan. That Cross-claim filing set up a potential conflict with Joseph
9 Misenti.

10 6. On July 18, 2006 Inchcape filed its Motion to Intervene in this action.

11 7. On July 25, 2006, Joseph Misenti emailed David Ledger and requested an
12 extension of time until August 15, 2006 to respond to Inchcape's Motion to Intervene on the grounds
13 that Joseph Misenti had a potential conflict of interest in the case because he represented Defendant
14 S.J. Gargrave in another matter that is on appeal to the Ninth Circuit and he needed time to work out
15 the potential conflict. David Ledger graciously granted that request and gave Marwan/Five Seas up
16 until August 15, 2006 to respond to the motion to intervene.

17 8. Joseph Misenti had asked the attorneys for Gargrave to see whether or not
18 they would be willing to withdraw their Cross-claim against Marwan/Five Seas because of the
19 potential conflict.

20 9. Because of the potential conflict of interest between the two law firms
21 representing Marwan, Five Seas and Gargrave the matter had been put on hold by the granting of
22 the extension by Inchcape's lawyer, David Ledger.

23 10. The undersigned was privy to all of the email traffic between David Ledger


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1 and Joseph Misenti and knew that David Ledger had granted the extension until August 15, 2006
2 and I therefore assumed that there was nothing further for me to do because of this extension.
3 However, because no notice to the Court was filed during this period of time, the Court, the
4 Honorable James Ware, sitting as District Court Judge, granted the Motion to Intervene but only
5 because he was not aware of this extension entered into outside of the Court proceedings.

6 11. The Order which was filed in this Court on August 4, 2006 was never placed
7 in the Court box of Teker Torres & Teker nor did the Carlsmith firm serve a copy of the Order on
8 our firm and, consequently, we had no knowledge that the Order granting the Motion to Intervene
9 was entered until Friday August 11, 2006 pursuant to a telephone conversation between David
10 Ledger and the undersigned.

11 I declare under penalty of perjury that the foregoing is true and correct.

12 Dated at Hagåtña, Guam this 15th day of August, 2006.

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14 
15 LAWRENCE J. TEKER